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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,018	11/14/2003	Simon Pizzoli	GB920030026US1	1974
23550	7590	07/22/2008	EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hwdpatents.com

Office Action Summary	Application No. 10/714,018	Applicant(s) PIZZOLI ET AL.	
	Examiner Phillip H. Nguyen	Art Unit 2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed 5/14/2008.
2. Per applicant's request, claims 1, 10, and 19 have been amended; claims 1-20 remain pending and have been considered below.

Response to Amendment

3. The rejection to claim 7 under 35 U.S.C. 112, second paragraph regarding Trademark/trade name is maintained in view of applicant's amendment.
4. The rejection to claims 19 and 20 under 35 U.S.C. 101 regarding signals is maintained in view of applicant's amendment.

Response to Arguments

5. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halviatti et al. (USPN 5,475,843), in view of Straathof et al. (USPN 6,167,534).

As per claims 1, 10 and 19:

Halviatti discloses:

automation script means for receiving an automation script for automating use of the user interface in a system under test by the system executing the test, wherein the system under test include an application and wherein the interface may be in a arbitrary natural language (see at least col. 10:36-37 “**sends appropriate script scenes to the Script Engine**”; see also **FIG. 6** and texts for further expanding their features col. 21:35-46); and

script translation means for intercepting a call from the automation script to a function simulating a user action on the application (see at least col. 24:33-35 “**Message Engine may trap each CreateWindow API call for determining each screen object which is about to be created**”),

retrieving a translated text string associated with the function call (see at least col. 7:55-62 “**retrieved by a call to GetMessage(...)**”), and calling the function simulating the user action with the translated text string (see at least col. 33:25-30 “**class methods are provided for simulating user events. For instance, the Click(), DbClick()...**”; see also col. 34:16 “**user interaction simulation, and Resource tracking**”; see also col. 35:38-44 “**Each GEM can**

simulate any possible operation that a user would perform on any given element...”); and

wherein the translation consists of converting to or from a first natural language to a second natural language (see at least col. 29:45-67 – col. 30:1-15 ***“...the Yes button 710 on the message box 700 has been represented by an identifier called Oui in order to emphasize that there are no assumptions about textual information made in the ATM”***).

Halviatti does not explicitly teach:

wherein the interception includes accessing a database or file system that is independent from the system under test so that the application’s natural run-time execution is protected before, during and after the functional automation executes.

However, Straathof teaches:

wherein the interception includes accessing a database or file system that is independent from the system under test so that the application’s natural run-time execution is protected before, during and after the functional automation executes (see at least col. 5:55-67 – col. 6:38-47 ***“the database application determined that the user interface call is a request to logon to the database application...the database application received a user interface call requesting to insert data into the database...received a user interface call requesting to fetch data from the database...An important aspect of the present invention is the Capture Agent. A Capture Agent 262 captures one***

or both of the Windows and SQL API calls during a user session. The Capture Agent not only intercepts the user interface and application calls, the Capture Agent records timing information regarding when the calls were sent. This allows the Capture Agent to generate a script 264 to emulate the user session including the speed in which the user input information and the speed in which the client computer responded locally").

Therefore, it would have been obvious to one having an ordinary skill in the art at the time the invention was made to modify Halviattis' approach include the teaching of Straathof. One would have been motivated to modify because it allows to generate a script to emulate the user session including the speed in which the user input information and the speed in which the client computer responded locally.

As per claims 2, 11 and 20:

Halviatti discloses:

message translation means for supplying translated text for the automation script's run time execution (see at least col. 7:64 "**TranslateMessage()**"; see also col. 22:39-40 "**ATUs translate low-level messages into high-level messages**"); and

selective text locator means (see at least col. 7:61 "**GetMessage()**" – a message is retrieved by a call to GetMessage());

retrieving a message/text is the same as locating a message/text coupled to the message translation means for selectively supplying appropriate text to the automation script's run time execution depending on the function call (see at least col. 7:63-64 "***the retrieved message may be translated by a call to TranslateMessage***").

As per claims 3 and 12:

Halviatti discloses:

wherein the selective text locator means is arranged to selectively supply appropriate text to the automation script's run time execution depending on a resource ID of the function call (see at least col. 37:4-10 "***an unique id is constructed for this top level menu...the resource database is search for the record under this id...the tope level menu string from the menu handle is retrieved...a preferred name is also retrieved...***").

As per claims 4 and 13:

Halviatti discloses:

a library (see at least col. 31:21 "***GEM Library***" – a collection of GEMs) including a function having the same signature as the function call and which is arranged to retrieve the translated text string before the function call (see at least col. 31:60 – col. 32:1-60 "***a GEM encapsulates the behavior of irreducible user interface elements such as push buttons, checkboxes, listboxes,***

menu items...when GEM is instantiated, it takes two parameters...the GEM can be instructed to run a self test method by simple comparing its expected attributes against its actual attributes (retrieved from the actual element on the screen which the GEM represents)”; and

one of a file (“***a GEM***” col. 31, line 43) referencing the library (see at least col. 31:42-44 “***when a GEM instantiated, it takes two parameters: a reference to its parent and...***” - a GEM is also considered as a file or a program, it references to its parent, a library), the automation script being arranged to reference the file and the library (see at least col. 41:15-20 “***Upon invocation of a test script, the Test Runtime Library is loaded, the resource database is opened and initialized the GEM library classes are loaded...***” – in other words, when the a test script is being tested, the GEM library classes gets called), and the library including the retrieval function (see at least col. 31:51-55 “***self test method is comparing its expected attributes against its actual attributes (retrieved from the actual element on the screen which the GEM represents)***”) and the function call (see at least col. 31:43-44 “***a GEM ... a reference to its parent***” - a call to its parent) , the library being arranged to be called by the automation script (see at least col. 41:15-20 “***Upon invocation of a test script, the Test Runtime Library is loaded, the resource database is opened and initialized the GEM library classes are loaded...***” - in other words, when the a test script is being tested, the GEM library classes get called).

As per claims 5 and 14:

Halviatti discloses:

wherein the file referencing the library comprises an include file
(“**Appendix E: Window Proxy**” col. 49).

As per claims 6 and 15:

Halviatti discloses:

wherein the library including the retrieved function and the function call
has the same name as a library containing the function called by the automation
script (see col. 31:21 “**GEM Library**” – *GEM Library including retrieved function
and function call disclosed above and is called by automation script upon
invocation of a test script*).

As per claims 7 and 16:

Halviatti discloses:

wherein the automation script comprises a script (see at least col. 10:36
“**script**”).

As per claims 8 and 17:

Halviatti discloses:

wherein the automation script is in the English language and the application is arranged to use a non-English language (see at least col. 9:20-22 ***“a lingua franca or common language for all events”***).

As per claims 9 and 18:

Halviatti discloses:

wherein the user interface comprises a graphical user interface (***FIG. 1***, and text, which further expand their features, col. 5:51).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip H. Nguyen whose telephone number is (571) 270-1070. The examiner can normally be reached on Monday - Thursday 10:00 AM - 3:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PN
7/11/2008
/Wei Zhen/
Supervisory Patent Examiner, Art Unit 2191